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DEPARTMENT FOR EUR/AGS

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SUBJECT: GERMAN STATE FIRST TO BAN HEADSCARVES ON PUBLIC
SCHOOL TEACHERS

REF: A) 98 Frankfurt 6465; B) 00 Frankfurt 3078;
C) 01 Frankfurt 6028; D) 03 Frankfurt 8335
E) 04 Hamburg 0001

1. (U) SUMMARY: On April 1, Baden-Wuerttemberg (B-W) will become the first German state to ban the use of headscarves by teachers in public schools. The new law does not apply to students (unlike in France) and specifically permits Christian and Jewish symbols. A wide majority of legislators have voiced broad support for the ban, proposed in reaction to a lawsuit by Muslim educator Fereshta Ludin (reftels). State politicians see Ms. Ludin as an extremist and view the headscarf as a divisive political symbol rather than protected religious expression.

2. (U) As defendant in the Ludin constitutional court case (ref D), the B-W state government is rushing to enact Germany's first law banning headscarves, arguing that the state must defend the neutrality of public schools and oppose discrimination against women. B-W Minister for Education, Annette Schavan (Christian Democrat/CDU), presented the draft law on February 4, calling the headscarf a political symbol for "the suppression of women [and] an interpretation of Islam contrary to the principle of equal rights for men and women" and therefore contrary to the German constitution. Schavan defended allowing Christian and Jewish symbols in public schools, since the B-W state constitution says education should be based on Christian and Jewish traditions (articles 12, 15, and 16).

3. (SBU) There is overwhelming legislative support for the ban. Social Democratic/SPD reps argue that teachers who wear headscarves undermine the integration of Muslim women into mainstream society. SPD legislators Nils Schmid and Herbert Moser told a Consulate representative that schools must not reinforce discrimination against women, calling Ludin's legal campaign an affront to the German constitution. Both are confident that the courts will uphold the law. Citing a confidential source at the Federal Constitutional Court, Moser repeated something echoed by other sources as well, namely that Ludin's court fees are paid by the Islamic lobby group Milli Goerues (as additional "justification" for the accusation that Ludin has a political rather than a religious agenda). By way of example, Schmid -- who recently visited the U.S. on an IV program -- pointed to his wife, a devout Muslim who strongly opposes the headscarf.

4. (U) A handful of politicians argue the law goes too far in banning expression. Greens caucus leader Winfried Kretschmann called for allowing headscarves unless schools or communities object. FDP (Free Democrat) representatives support the ban, but -- like Greens -- express concerns that the German high court may strike down the law's preferential treatment of Christian and Jewish symbols.

5. (SBU) Within the state government, experts support the ban but worry about its consequences. The state's special representative for minorities, Christian Storr, opined privately that Ludin has become the mouthpiece of the Islamic fundamentalists who bankroll her legal battles. Storr voiced concern that the ban could spur economic or social discrimination against Muslim women who choose to wear a headscarf. Storr expects that the Federal Constitutional Court will find fault with the new law's special treatment of Christian and Jewish symbols, adding to the legal uncertainty. NOTE: The law leaves open the question of customs vital to other religious minorities -- both women and men -- for instance Sikh headdress. END NOTE.

6. (U) COMMENT: The B-W government is hurriedly enacting the ban in reaction to the verdict in the Ludin case (ref D), since failure to pass new legislation might compel Baden-Wuerttemberg to give Ms. Ludin a teaching position. Because the draft law gives preferential treatment to the Christian and Jewish religions, however, it is unlikely to become the last word on this question. END COMMENT.

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